IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4170 of 2005

Between:

Ch. Satyanandam, S/o. Israiel,
Cherukumpalem Vill, Achampet Mandal, Guntur District.

..... PETITIONER

AND

1 Sri Visweswara Swamy Temple, Machavaram
Machilipatnam
Mandal, Krishna Dist, rep. by its Manager.
2 Asst. Commissioner of Endowments, Vijayawada Krishna
District.
3 Commissioner of Endowments, Boggulakunta, Hyderabad.
4 Revenue Divisional Officer, Bandar, Machilipatnam.
5 The District Collector, Chikalapudi, Machilipatnam, Krishna
District.
6 A.P. Social Welfare residential Educational Institution-
Society, Hyderabad, rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to Issue a writ order or direction particularly one in the nature of Writ of Mandamus to set aside the Tender-cum-public Auction executing the land on 3.3.2005 to an extent of Ac.4.00 of the 1st respondent temple.

Counsel for the Petitioner : MR.D.SURESH KUMAR (NOT PRESENT)

Counsel for the Respondents Nos 1 to 5.: G.P for Endowments.

Counsel for the respondent No.6: SMT.N.INDRANI

The Court made the following :

ORAL ORDER: (per Hon'ble the Chief Justice)

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1. None appeared for the petitioner. Challenge is to the auction notice issued by 1st respondent to auction A.c. 7.00 of land in R.S.No. 198 of Machavaram, Machilipatnam Mandal & Town, Krishna District, after permission has been accorded by 2nd and 3rd respondents to sell the said land belonging to 1st respondent.

2. Grievance of the petitioner appears to be that Government has set up A.P. Social Welfare Residential Educational Institutional Society, for forming the

residential schools for the welfare of the S.C. Community and since the building is in dilapidated condition, a proposal was sent to 6th respondent to select the land in R.S. No. 168 belonging to 1st respondent and 6th respondent approached 4th respondent for acquiring the land. Draft declaration was also approved by 5th respondent, but in the meanwhile 1st respondent obtained permission for auctioning the land. Therefore, direction is sought to set aside the Tender-cum-public auction notice and to direct to acquire the land for the benefit of 6th respondent.

3. We do not see any public interest involved in this petition inasmuch as some land is required for the benefit of 6th respondent, It is open for 6th respondent to have some other piece of land acquired. Petitioner cannot insist upon a particular piece of land belonging to 1st respondent to be acquired when 1st respondent wants to sell it and put it in public auction as per the provisions of A.P. Charitable & Hindu Religious Institutions and Endowments Act, after obtaining necessary consent from the Commissioner (Endowments).

4. In the result, Writ Petition is dismissed. No order as to costs.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 24.03.2005.

Kvrk/Vrk

To

1. The Asst. Commissioner of Endowments, Vijayawada

Krishna District.

2. The Commissioner of Endowments, Boggulakunta,

Hyderabad.

3. The District Collector, Chikalapudi, Machilipatnam,

Krishna District.

4 The Secretary, A.P. Social Welfare residential Educational

Institution- Society, Hyderabad,

5. Two CCs to GP for Endowments, High Court Buildings,

Hyderabad (OUT)

6. The Officer concerned, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

7. The Secretary, A.P. State Legal Aid and Advisory Board, High Court Buildings, Hyderabad.

8. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

9. Two CD copies.

10. The Revenue Divisional Officer, Bandar, Machilipatnam.

*Form-NIC-OGS/WP{**JGK**}*

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

W.P.NO. 4170 OF 2005.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 24.03.2005.